

ENVIRONMENT, TRANSPORT AND
REGIONAL AFFAIRS COMMITTEE

Twelfth Report

**UK BIODIVERSITY:
INTERIM REPORT**

Volume I

Report and Proceedings of the Committee

*Ordered by The House of Commons to be printed
6 July 2000*

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UK BIODIVERSITY: INTERIM REPORT

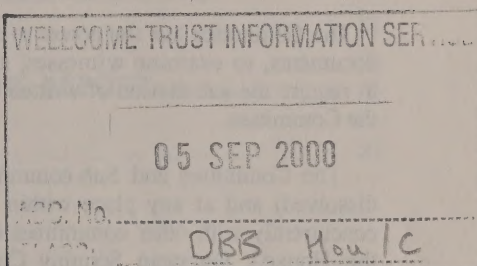
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Report and Proceedings of the Committee

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The Environment, Transport and Regional Affairs Committee is appointed to examine on behalf of the House of Commons the expenditure, administration and policy of the Department of the Environment, Transport and the Regions (and any associated public bodies). Its constitution and powers are set out in House of Commons Standing Order No. 152.

The Committee has a maximum of seventeen members, of whom the quorum for any formal proceedings is five. The members of the Committee are appointed by the House and unless discharged remain on the Committee until the next dissolution of Parliament. The present membership of the Committee is as follows¹:

Hilary Benn MP (*Labour, Leeds Central*)⁵
 Andrew F Bennett MP (*Labour, Denton and Reddish*)²
 Crispin Blunt MP (*Conservative, Reigate*)⁷
 Thomas Brake MP (*Liberal Democrat, Carshalton and Wallington*)²
 Christine Butler MP (*Labour, Castle Point*)²
 John Cummings MP (*Labour, Easington*)²
 Jeffrey M Donaldson MP (*Ulster Unionist, Lagan Valley*)⁸
 Brian H Donohoe MP (*Labour, Cunninghame South*)²
 Gwyneth Dunwoody MP (*Labour, Crewe and Nantwich*)²
 Louise Ellman MP (*Labour/Co-operative, Liverpool Riverside*)²
 Teresa Gorman MP (*Conservative, Billericay*)³
 James Gray MP (*Conservative, Wiltshire North*)²
 Stephen Ladyman (*Labour, Thanet South*)⁶
 Anne McIntosh MP (*Conservative, Vale of York*)⁴
 Bill O'Brien MP (*Labour, Normanton*)²
 Bill Oler MP (*Labour, Nuneaton*)²
 George Stevenson MP (*Labour, Stoke-on-Trent South*)²

On 15 July 1997, the Committee resolved that *Andrew F Bennett or Gwyneth Dunwoody* would be called to the Chair as it saw fit.

The Committee has the power to appoint Sub-committees, require the submission of written evidence and documents, to examine witnesses, and to make Reports to the House. The Sub-committees have the power to require the submission of written evidence and documents, to examine witnesses, and to make Reports to the Committee.

The Committee and Sub-committees may meet at any time (except when Parliament is prorogued or dissolved) and at any place within the United Kingdom. The Committee and Sub-committees may meet concurrently with other committees or sub-committees established under Standing Order No. 152 and with the House's European Scrutiny Committee (or any of its sub-committees) or the Environmental Audit Committee for the purpose of deliberating, taking evidence or considering draft reports. The Committee may exchange documents and evidence with any of these committees, as well as with the House's Public Accounts and Deregulation Committees.

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at <http://www.parliament.uk/commons/selcom/etrahome.htm>.

All correspondence should be addressed to The Clerk of the Environment, Transport and Regional Affairs Committee, Committee Office, House of Commons, London SW1A 0AA. The telephone number for general inquiries is: 020 7219 4972; the Committee's e-mail address is: etrahcom@parliament.uk.

¹Stephen Day MP (*Conservative, Cheadle*), was appointed on 14 July 1997 and discharged on 17 November 1997; Philip Hammond MP (*Conservative, Runnymede and Weybridge*) was appointed on 17 November 1997 and discharged on 22 June 1998; Howard Flight MP (*Conservative, Arundel and South Downs*) was appointed on 14 July 1997 and discharged on 20 July 1998; Eric Pickles MP (*Conservative, Brentwood and Ongar*) was appointed on 14 July 1997 and discharged on 30 November 1998; Eleanor Laing MP (*Conservative, Epping Forest*) was appointed on 22 June 1998 and discharged on 5 July 1999; Alan Whitehead MP (*Labour, Southampton, Test*) was appointed on 14 July 1997 and discharged on 6 December 1999; Graham Stringer MP (*Labour, Manchester Blackley*) was appointed on 14 July 1997 and discharged on 13 December 1999; John Randall MP (*Conservative, Uxbridge*) was appointed on 20 July 1998 and discharged on 21 February 2000; Clifford Forsythe MP (*Ulster Unionist, Antrim South*) was appointed on 14 July 1997, deceased 27 April 2000.

²Appointed 14 July 1997; ³Appointed 30 November 1998; ⁴Appointed 5 July 1999; ⁵Appointed 6 December 1999;

⁶Appointed 13 December 1999; ⁷Appointed 21 February 2000; ⁸Appointed 12 June 2000

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TWELFTH REPORT

The Environment, Transport and Regional Affairs Committee has agreed to the following Report:—

UK BIODIVERSITY

1. Our inquiry into UK Biodiversity has been wide-ranging and we will produce a full Report later this year.¹ However, during the course of the inquiry, it became apparent that primary legislation would be required to remedy several of the shortcomings which we identified. Opportunities to introduce primary legislation for countryside and wildlife issues are traditionally scarce: the last such piece of legislation was the Wildlife and Countryside Act 1981 which was introduced nearly twenty years ago. Deficiencies in that Act are only now being addressed in the Countryside and Rights of Way Bill. Given the opportunity which the passage of this Bill provides, we considered it appropriate to produce an interim report which deals with those biodiversity issues which can be remedied by amendments to this bill. The purpose of this report is, therefore, to aid the House of Lords in its consideration of the Countryside and Rights of Way Bill.

Areas of Outstanding Natural Beauty (AONBs)

2. There are thirty-seven Areas of Outstanding Natural Beauty (AONBs) in England, covering more than 15% of the land area. The limited protection of AONBs has been a matter of concern for many years and this anxiety has been heightened as development pressures on the countryside have increased. Although Areas of Outstanding Natural Beauty are considered by many to be equivalent in importance to National Parks, they do not have the same statutory protection. During the last two years, unsuccessful attempts have been made to introduce a Bill in the Lords to give much greater protection to AONBs and it was a source of disappointment to many that the Countryside and Rights of Way Bill did not include measures to deal with this issue. However, the Government has recently stated that it will bring forward amendments to the Bill to do just this. Specifically, the amendments will require a management plan to be drawn up for each AONB and will enable the creation of statutory conservation boards where there is local support for such a move. Most importantly, the Government's proposals will offer AONBs the same status of protection against development as currently applies to National Parks. **We welcome the Government's proposals to amend the Countryside and Rights of Way Bill to provide Areas of Outstanding Natural Beauty with greater protection.**

Local Wildlife Sites

3. Local Wildlife Sites are designated by local authorities as having importance for wildlife. Such sites are often run by a partnership involving the wildlife trusts, other local organisations and the local authority. Witnesses identified these sites as critical to the success of biodiversity policy and achieving targets in the Biodiversity Action Plans. However, the protection they receive is entirely dependent upon the priority given to them by the local authority — they are not the subject of any statutory provisions. We heard many calls for local wildlife sites to be given greater protection. **We recommend that local authorities have a duty to identify and maintain a register of local wildlife sites and give them the status of 'material consideration' in development control decisions. This should ensure that there is a general presumption against development on these sites unless no suitable alternative can be found.**

¹ Written evidence to this inquiry has already been published as HC441-II. The remainder of the written and oral evidence received during the course of the inquiry has been placed in the libraries of both Houses of Parliament and will be published alongside our main report.

Non-native Species

4. There is a growing list of introduced, non-native species which are causing harm to the UK's native biodiversity. Few people can be entirely unaware of (or unaffected by) the relentless march of species such as the grey squirrel and the North American crayfish; floating pennywort and Japanese knotweed continue to colonise water and land respectively. However, the issue of non-native species is a complicated one with some philosophical and ethical wrinkles: for example, it is a particularly difficult judgement to decide when a non-native species (for example the rabbit or the sycamore) can be considered to have assimilated and become a naturalised one. The UK's biodiversity, of course, changes composition constantly and new species are always finding homes in the UK. There are also ethical and welfare considerations for some species (for example, American mink). Despite these matters, it is beyond doubt that the invasive nature of some non-native species makes them a serious threat to our native wildlife.

5. The practical problems of introduced species comprise two separate components: dealing with those species which have already been introduced to the UK (for which the Ministry for Agriculture, Fisheries and Food has responsibility), and preventing other, unwelcome, species from entering the UK (the responsibility of the Department of the Environment, Transport and the Regions). Although there already exist some measures to deal with both sets of problems, there does not appear to be a coherent strategy to deal with the problem as a whole. **We recommend that English Nature be given overall responsibility for dealing with introduced species. Specifically, English Nature should monitor and assess particular problems relating to introduced species, and recommend action where required.²**

Field Boundaries

6. In 1998, we undertook an inquiry into the protection of field boundaries, and were impressed by the powerful evidence of the importance for wildlife of traditional field boundaries such as hedgerows, dry stone walls, ditches and dykes. In our inquiry into UK Biodiversity, we once again heard about the significance of field boundaries (and other connecting features) for biodiversity and the problems caused by their loss. Fragmentation of habitats was identified by several witnesses as one of the biggest threats to biodiversity and, along with habitat recreation, one of the best methods of countering this fragmentation is to provide 'corridors' which link the remaining habitats. This is recognised in Article 10 of the Habitats Directive³ which seeks to maintain features of importance in the landscape that link and buffer areas of importance for wildlife. Traditional field boundaries qualify as such features and their protection and recreation can be considered to be an extremely effective mechanism for aiding biodiversity.

7. Of all the different types of traditional field boundaries, only hedgerows currently receive any protection and the existing Hedgerows Regulations are partial and inadequate since they only enable the protection of 'important' hedgerows, where importance is defined by a set of nationally specified criteria. **Although the Government intends to strengthen the Hedgerow Regulations later this year, we must reaffirm our previous recommendation that "all types of traditional field boundary merit equal protection in law ... the Government must introduce new primary legislation for the protection of field boundaries within the lifetime of this Parliament."⁴ We recommend that all types of traditional field boundaries should be protected so as to ensure the continued presence of habitats for some species and corridors for the movement of others. Hedges, banks, ditches, dykes and walls should all receive legal protection where they are identified as being important either nationally or locally for biodiversity (or other reasons).**

²Since English Nature's remit extends only to England, close co-operation between English Nature and the devolved administrations will be necessary, particularly where preventing unwelcome species from entering the UK is concerned. The Joint Nature Conservation Committee may provide an appropriate vehicle for such co-operation.

³ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

⁴ Paragraph 129, *The Protection of Field Boundaries*, Environment, Transport and Regional Affairs Committee, HC969-I (1997-98)

Management Agreements to Cover Features Outside of Sites of Special Scientific Interest

8. Witnesses emphasised that the majority of the UK's biodiversity exists outside protected sites and they stressed the importance of policy measures which recognise and deal with this. A number of policy changes will be required to address biodiversity in the wider countryside and we will return to this subject in our final report. However, we focus here on the biodiversity importance of particular features outside protected sites, in the wider countryside. The continued function of field boundaries and other features in linking habitats will not be ensured by legal protection alone: there is also a role for measures which achieve better management of these features. English Nature already has powers to negotiate management agreements but only with landowners within (and adjacent to) a Site of Special Scientific Interest. **We recommend that English Nature be given the power to negotiate management agreements with landowners in the wider countryside, outside Sites of Special Scientific Interest, to cover features of importance to biodiversity. We expect that English Nature will need some additional resources to be able to fulfil the potential which this option offers.**

Statutory Basis for Biodiversity Action Plans

9. It was a source of disappointment to many witnesses that the Biodiversity Action Plans had little statutory underpinning. There are two possible components to any statutory requirements. At the national level, Government Departments and other Governmental bodies could be given a requirement to further the Biodiversity Action Plans. Such a duty was strongly supported by witnesses from non-governmental organisations which considered that there was insufficient commitment to the plans across Government. Against this, most Government bodies cautioned that the Biodiversity Action Plans had made good progress, that statutory duties would not necessarily improve the fortunes of the plans and that a system of statutory duties could risk alienating many of the bodies currently involved. The other statutory requirement which witnesses favoured was giving local authorities a duty to further biodiversity. At present, the performance of local authorities in this regard appears to be patchy and the variable success of local BAPs demonstrates this. We were told by the Minister of his plans for 'Community Strategies' to take forward various local environmental matters, including the biodiversity action plans.

10. It seems clear that some statutory underpinning of the Biodiversity Action Plan process would help ensure the implementation of the plans. At the very least, a statutory duty would give increased leverage to those involved in setting priorities and bidding for funding for biodiversity work. **We recommend that Government Departments, Executive Agencies, Non-Departmental Public Bodies and Local Authorities be required to further the aims of the Biodiversity Action Plans. Local authorities should also be given a duty to maintain local records centres to provide biodiversity information.**

SUMMARY OF RECOMMENDATIONS AND CONCLUSIONS

- (a) We welcome the Government's proposals to amend the Countryside and Rights of Way Bill to provide Areas of Outstanding Natural Beauty with greater protection. (Paragraph 2).
- (b) We recommend that local authorities have a duty to identify and maintain a register of local wildlife sites and give them the status of 'material consideration' in development control decisions. This should ensure that there is a general presumption against development on these sites unless no suitable alternative can be found (Paragraph 3).
- (c) We recommend that English Nature be given overall responsibility for dealing with introduced species. Specifically, English Nature should monitor and assess particular problems relating to introduced species, and recommend action where required. (Paragraph 5).
- (d) Although the Government intends to strengthen the Hedgerow Regulations later this year, we must reaffirm our previous recommendation that "all types of traditional field boundary merit equal protection in law ... the Government must introduce new primary legislation for the protection of field boundaries within the lifetime of this Parliament." We recommend that all types of traditional field boundaries should be protected so as to ensure the continued presence of habitats for some species and corridors for the movement of others. Hedges, banks, ditches, dykes and walls should all receive legal protection where they are identified as being important either nationally or locally for biodiversity (or other reasons). (Paragraph 7).
- (e) We recommend that English Nature be given the power to negotiate management agreements with landowners in the wider countryside, outside Sites of Special Scientific Interest, to cover features of importance to biodiversity. We expect that English Nature will need some additional resources to be able to fulfil the potential which this option offers. (Paragraph 8).
- (f) We recommend that Government Departments, Executive Agencies, Non-Departmental Public Bodies and Local Authorities be required to further the aims of the Biodiversity Action Plans. Local authorities should also be given a duty to maintain local records centres to provide biodiversity information. (Paragraph 10).

PROCEEDINGS OF THE ENVIRONMENT SUB-COMMITTEE RELATING TO THE REPORT

TUESDAY 4 JULY 2000

Members present:

Mr Andrew F. Bennett, in the Chair

Mr Hilary Benn
Mr Crispin Blunt
Christine Butler
Mr John Cummings
Mr Brian H. Donohoe

Mrs Gwyneth Dunwoody
Mrs Louise Ellman
Mr James Gray
Mr Bill Olnier

The Sub-committee deliberated.

Draft Interim Report [UK Biodiversity: Interim Report], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 10 read and agreed to.

Resolved, That the Report be the Sixth Report of the Sub-committee to the Committee.

Ordered, That the Chairman do make the Report to the Committee.

[Adjourned till a time and date to be set by the Chairman.]

PROCEEDINGS OF THE COMMITTEE RELATING TO THE REPORT

THURSDAY 6 JULY 2000

Members present:

Mr Hilary Benn
Mr Andrew F. Bennett
Mr Crispin Blunt
Mr Tom Brake
Mr Brian H. Donohoe
Mrs Louise Ellman

Mr James Gray
Miss Anne McIntosh
Mr Bill O'Brien
Mr Bill Oler
Mr George Stevenson

Mr Andrew F. Bennett was called to the Chair.

The Committee deliberated.

Report from the Environment Sub-committee [UK Biodiversity: Interim Report], proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 10 read and agreed to.

Resolved, That the Report be the Twelfth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

[Adjourned till Wednesday 12 July at Ten o'clock.]

LIST OF REPORTS

ENVIRONMENT, TRANSPORT AND REGIONAL AFFAIRS COMMITTEE REPORTS IN THE CURRENT PARLIAMENT

Session 1997-98

- First Report: Regional Development Agencies (HC415)
- Second Report: Sewage Treatment and Disposal (HC 266-I)
- Third Report: The Proposed Strategic Rail Authority and Railway Regulation (HC 286-I)
- Fourth Report: Air Traffic Control (HC 360-I)
- Fifth Report: The Future for Allotments (HC 560-I)
- Sixth Report: Sustainable Waste Management (HC 484-I)
- Seventh Report: London Underground (HC 715-I)
- Eighth Report: Regional Air Services (HC 589-I)
- Ninth Report: English Nature (HC 790)
- Tenth Report: Housing (HC 495-I)
- Eleventh Report: Implementation of the Best Value Framework (HC 705-I)
- Twelfth Report: The Departmental Annual Report 1998 and Expenditure 1998-99 (HC 844)
- Thirteenth Report: The Protection of Field Boundaries (HC 969-I)

First Special Report: Government Response to the First Report of the Transport Committee (1996-97): The Road and Bridge Maintenance Programme (HC 234)

Second Special Report: Government Response to the First Report of the Committee: Regional Development Agencies (HC 645)

Third Special Report: Government Response to the Fourth Report of the Committee: Air Traffic Control (HC 843)

Fourth Special Report: Responses from the Government and English Nature Ninth Report of the Committee: English Nature (HC 1137)

Session 1998-99

- First Report: Railway Safety (HC 30)
- Second Report: Millennium Compliance in the Transport Industry (HC 90)
- Third Report: The Future of National Air Traffic Services (HC 122)
- Fourth Report: The Countryside Agency (HC 6)

Fifth Report: Regional Eurostar Services (HC 89)

Sixth Report: The Maritime and Coastguard Agency (HC 31)

Seventh Report: Meeting with the European Commission Officials to Discuss Air Transport (HC 272)

Eighth Report: Local Government Finance (HC 78-I)

Ninth Report: Integrated Transport White Paper (HC 32-I)

Tenth Report: Regional Development Agencies (HC 232)

Eleventh Report: Reducing the Environmental Impact of Consumer Products (HC 149)

Twelfth Report: The Future of the UK Shipping Industry (HC 172)

Thirteenth Report: The Operation of the Landfill Tax (HC 150)

Fourteenth Report: Aviation Safety (HC 275)

Fifteenth Report: Departmental Annual Report 1999 and Expenditure Plans 1999-2002 (HC 440)

Sixteenth Report: Multilateral Environmental Agreements (HC 307)

Seventeenth Report: Housing: PPG3 (HC 490)

Eighteenth Report: Tendered Bus Services (HC 429)

Nineteenth Report: Young and Newly-Qualified Drivers: Standards and Training (HC 515)

Twentieth Report: Town and Country Parks (HC 477)

Twenty First Report: Railways Bill (HC 827)

First Special Report: Health and Safety Commission and Executive Response to the First Report of the Committee: Railway Safety (HC 352)

Second Special Report: Government Response to the Second Report of the Committee: Millennium Compliance in the Transport Industry (HC 383)

Third Special Report: Government Response to the Ninth Report of the Committee: Integrated Transport White Paper (HC 708)

Fourth Special Report: Government Response to the Third Report of the Committee: The Future of National Air Traffic Services (HC 794)

Fifth Special Report: Government Response to the Tenth Report of the Committee: Regional Development Agencies (HC 867)

Session 1999-2000

First Report: Potential Risk of Fire Spread in Buildings via External Cladding Systems (HC 109)

Second Report: Environmental Impact of Supermarket Competition (HC 120)

Third Report: The Proposed Public-Private Partnership for National Air Traffic Services Limited (HC 35)

Fourth Report: The Work of the Health and Safety Executive (HC 31-I)

Fifth Report: UK Climate Change Programme (HC 194-I)

Sixth Report: The Environment Agency (HC 34-I)

Seventh Report: Rural White Paper (HC 32)

Eighth Report: Light Rapid Transit Systems (HC 153)

Ninth Report: Travelling Fairs (HC 284-I)

Tenth Report: Audit Commission (HC 174-I)

Eleventh Report: Proposed Urban White Paper (HC 185-I)

Twelfth Report: UK Biodiversity: Interim Report (HC 441-I)

Thirteenth Report: Planning Inspectorate and Public Inquiries (HC 364-I)

First Special Report: Government Response to the Second Report the Environment Committee (Session 1996-97): Contaminated Land (HC 61)

Second Special Report: Government Response to the First Report of the Committee: Potential Risk of Fire Spread in Buildings via External Cladding Systems (HC 389)

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